

**PUBLIC HEARING
TREMONT BOARD OF SELECTMEN
TREMONT COMMUNITY BUILDING
MONDAY, JUNE 20, 2005
6:00 PM**

The Tremont Board of Selectmen have scheduled a Public Hearing for the consideration of an application for a new on-premise Liquor License for Cap'n Nemo's, Flat Iron Rd and Route 102A, Tremont.

Acting Chairman Steve Harper opened the June 20, 2005 Public Hearing at 6:00 pm. Present were Acting Chairman Steve Harper, Selectmen Kathi Thurston, Heath Higgins, Charlie Dillon and Scott Grierson, Town Manager Millard Billings and Recording Secretary Debbi Nickerson.

Members of the public present were Stewart Murphy, Mark Good – Islander, Mel Atherton, Bob Cousin, Judy Cousin, Trudy Bickford and Jeff Crafts.

Motion made by Selectman Scott Grierson, with second by Selectman Heath Higgins, to close the Public Hearing at 6:01 pm. Motion passed by a show of hands 5-0.

**TOWN OF TREMONT
REGULAR SELECTMEN'S MEETING
TREMONT COMMUNITY BUILDING
MONDAY, JUNE 20, 2005
IMMEDIATELY FOLLOWING PUBLIC HEARING**

1. CALL TO ORDER

Acting Chairman Steve Harper called the Regular Selectmen's Meeting to order at 6:02 pm.

2. ROLL CALL

Present were Acting Chairman Steve Harper, Selectmen Kathi Thurston, Heath Higgins, Charlie Dillon and Scott Grierson, Town Manager Millard Billings and Recording Secretary Debbi Nickerson.

Members of the public present were Stewart Murphy, Mark Good – Islander, Mel Atherton, Bob Cousin, Judy Cousin, Trudy Bickford and Jeff Crafts.

3. ELECTION OF OFFICERS

Selectman Steve Harper was elected Chairman and Selectman Scott Grierson was elected Vice Chairman.

4. ADJUSTMENTS/ADOPTION OF AGENDA

None

5. APPROVAL OF MINUTES

Selectman Heath Higgins asked to have the motion in 6.B. Executive Session with Town Attorney changed from “Motion made by Town Manager Millard Billings, with second by Selectman Charlie Dillon” to “Motion made by Selectman Charlie Dillon, with second by Selectman Heath Higgins”.

Motion made by Selectman Heath Higgins, with second by Selectman Charlie Dillon, to approve the revised minutes from June 6, 2005. Motion passed by a show of hands 4-0-1, Selectman Scott Grierson abstained, he was not present at the meeting.

6. APPROVAL OF WARRANTS

Warrant 155	4,582.16
Warrant 156	4,612.36
Warrant 157	20,985.08
Warrant 158	820.00

Motion made by Selectman Scott Grierson, with second by Selectman Charlie Dillon, to approve Warrants 155 – 158. Motion passed by a show of hands 5-0.

7. NEW BUSINESS

A. APPLICATION FOR FIRST TIME LIQUOR LICENSE

Mr. Cousin explained they would be serving seafood, nachos, ribs and lobster at their restaurant on Flat Iron Rd. and 102A. They plan to serve drinks with meals. Selectman Heath Higgins asked, “Any entertainment of any sort?” Mr. Cousin replied, “If someone had a guitar and he wanted to go into a corner and sit down and play a song I wouldn’t stop him, but bands no.” Selectman Scott Grierson asked, “Millard, do you recall, is it any music if you serve alcohol it requires a “Special Amusement Permit”? I think even if you whistle while you work and serve alcohol, as I recall, you need to apply for permits. If you do have live music and serve alcohol, just check the details because there may be an issue.”

Selectman Charlie Dillon asked if there was an opening date. Mr. Cousin replied the 10th of July. Town Manager Millard Billings asked, “Is all the construction material on the site going to be used in the building and removed before you open? Or are construction materials going to be piled around the building when you open?” Mr. Cousin said, “We’re going to open then continue to build.” Selectman Heath Higgins said, “I notice a lot of the construction debris is taking up some of your parking listed on your parking plan so you’ll have to make sure you have plenty of parking and it’s not going to interfere or cause any problems down there.”

Motion made by Selectman Charlie Dillon, with second by Selectman Scott Grierson, to approve the application for the Liquor License for Cap’n Nemo’s. Motion passed by a show of hands 5-0.

B. RESIGNATIONS

1. Town Attorney, Chad Smith, has submitted his annual resignation.

Motion made by Selectman Scott Grierson, with second by Selectman Heath Higgins, to accept Chad Smith’s resignation. Motion passed by a show of hands 5-0.

2. Galen Warman has not submitted a written resignation, but he has verbally resigned.
Motion made by Selectman Scott Grierson, with second by Selectman Heath Higgins, to accept Galen Warman's resignation. Motion passed by a show of hands 5-0.

C. APPOINTMENTS

1. Reappoint Chad Smith as Town Attorney for one year, July 1, 2005 through June 30, 2006.
Motion made by Selectman Scott Grierson, with second by Selectman Charlie Dillon, to reappoint Chad Smith as Town Attorney for one year, July 1, 2005 through June 30, 2006. Motion passed by a show of hands 5-0.
2. The Harbor Committee recommends Alex Young as Harbormaster to start work immediately.
The Chairman of the Harbor Committee, Stewart Murphy, said, "We recommend appointing Alex Young as Harbormaster. From our interviews, we unanimously voted him as our candidate." Selectman Charlie Dillon asked, "How many did you have Stewart?" The response was 6 applications.
Motion made by Selectman Kathi Thurston, with second by Selectman Heath Higgins, go into Executive Session pursuant to Title 1 M.R.S.A. Section 405 (6)(F) to discuss confidential records. Motion failed by a show of hands 2-3.
Motion made by Selectman Scott Grierson, with second by Selectman Charlie Dillon, to approve Alex Young as Harbormaster to start work immediately. Motion passed by a show of hands 4-0-1. Selectman Kathi Thurston abstained, she'd like to know who the other applicants were, who was interviewed and to see Alex Young's application.
Motion made by Selectman Charlie Dillon, with second by Selectman Scott Grierson, to go into Executive Session pursuant to Title 1 M.R.S.A. Section 405 (6)(F) to discuss confidential records. Motion passed by a show of hands 5-0. The Selectmen went into Executive Session at 6:35 pm.
Motion made by Selectman Scott Grierson, with second by Selectman Charlie Dillon, to come out of Executive Session. Motion passed by a show of hands 5-0. The Selectmen came out of Executive Session at 7:02 pm.
Motion made by Selectman Scott Grierson, with second by Selectman Charlie Dillon, set the wage at \$14.50 per hour for the Harbormaster position. Motion passed by a show of hands 5-0.
3. **Motion** made by Selectman Charlie Dillon, with second by Selectman Kathi Thurston, to table all the rest of the appointments till we've had a chance to advertise. Motion passed by a show of hands 5-0.

D. SPECIAL TOWN MEETING

Selectman Scott Grierson read a rough draft of the Warrant for the Special Town meeting (see attached). George Urbanneck asked, "That Warrant, all of those items adding together under one single Warrant, isn't the pit fall of that, which

we've come across in the Ordinances, if some one doesn't like voting \$400,000 for the town office, or \$75,000 for Bass Harbor they'll vote it down and all of them could go down in flames as opposed to voting for each of those individually." Town Manager Millard Billings suggested 3 different Articles. The Selectmen agreed.

Motion made by Selectman Scott Grierson, with second by Selectman Kathi Thurston, to hold, on July 25, 2005, the Tremont Special Town Meeting. Motion passed by a show of hands 5-0.

Motion made by Selectman Scott Grierson, with second by Selectman Kathi Thurston, to move to Agenda Item 7. J. Motion passed by a show of hands 5-0.

E. AGENDA ITEM 7. J. REQUEST FOR TRUDY BICKFORD, SOUTHWEST HARBOR SELECTPERSON, TO DISCUSS ROUTES 102 & 102A.

Southwest Harbor Selectman Trudy Bickford explained the Southwest Harbor Selectmen had met with DOT representatives, who told them it would be better if Southwest Harbor and Tremont got together and developed a plan for re-doing Routes 102 & 102A. She went on to say, "They [the DOT] have a format out now to help guide us through the process. . . I was hoping someone from this Board could join me, because some of the meetings would have to be duplicated. . . Meeting with the Park; meeting with the people that want to encourage bike riding; applying for Grant money . . . and representatives of DOT. . . We have at least 16 months to do this in and if we don't have it complete in 16 months, it will probably be 2 years from that." She went on to say, "If I could find one from this Board to work with me, so we're not duplicating meetings, the MDI Tomorrow meetings – stuff we can do together. And then when it comes time to laying out the plan, where the bike paths might go, at that point Tremont and Southwest are going to notify all the people it's going to effect. Hopefully, the person from Tremont can come back and start that process, and I can start the process in Southwest." Town Manager Millard Billings said, "DOT is not going to do it on their own. 102 is a "Major Collector". They would do some work on 102, but they won't do bicycle paths or walking trails, that has got to come through local support. The "Minor Collectors"; any work that's done on the "Minor Collectors", 102A or 102 beyond Bernard Corner, requires municipal or town participation of at least 1/3. And there is a cap of \$450,000. a year that they can spend on the "Minor Collectors", which will do just under one mile." Trudy Bickford said, "But we need a plan. If we don't have the plan they're not going to even talk to us." Town Manager Billings said, "We need to start looking at a 15 to 20 year plan." Trudy Bickford agreed. Town Manager Billings went on to say, "If we can get the plans submitted to DOT before April, we might possibly get in the planning stage of 2008, and have work done in 2009." Trudy Bickford said, "I think we're hoping sooner than that. They told us, if we could have something in in 16 months, we could have it, I think, in 2008." Selectman Scott Grierson said, "Well one Selectman doesn't have any authority. So your looking for someone willing to work with and bring stuff back to the rest of the Selectmen and the citizens. I'd be willing to do that." Selectman Heath Higgins said he

would be willing to go to some meetings. Town Manager Billings said, "With Tremont and Southwest doing it together, each town can get the \$450,000. cap so you can do a \$900,000. project."

Motion made by Selectman Scott Grierson, with second by Selectman Charlie Dillon, leave the Agenda and go from 7.J. to 11. Other. Motion passed by a show of hands 5-0.

F. AGENDA ITEM 11. OTHER

Jeff Crafts, with the Singh Co., invited everyone present to the Planning Board Meeting on June 21 at 6:30 PM.

Motion made by Selectman Scott Grierson, with second by Selectman Charlie Dillon, to return 7. E. CIP Committee. Motion passed by a show of hands 5-0.

G. AGENDA ITEM 7. E. CIP COMMITTEE: ESTABLISH BYLAWS, GUIDELINES OF A CAP FOR MONEY REQUESTS THAT NEED CIP APPROVAL.

The Selectmen asked Town Manager Millard Billings to write up some By-laws for the CIP Committee.

H. AGENDA ITEM 7. F. AWARD BIDS FOR DITCHING WORK CAPE & TURNER ROADS.

Motion made by Selectman Scott Grierson, with second by Selectman Kathi Thurston, to accept the bid from John Goodwin, Jr. for the Cape Road ditching project. Motion passed by a show of hands 5-0.

Motion made by Selectman Scott Grierson, with second by Selectman Kathi Thurston, to accept the bid from John Goodwin, Jr. for the Turner Road ditching project. Motion passed by a show of hands 5-0.

I. AGENDA ITEM 7. G. REPORT FROM TOWN ATTORNEY RE: PETITIONS
Town Manager Millard Billings read from a letter dated June 14, 2005 from James Collier, the Town Attorney, "As both of the petitions request the Selectmen to place on a warrant for consideration by Tremont voters items that are beyond the authority of the voters under the current ordinances of the Town and related state statutes, we recommend that the Board of Selectmen refuse to put either of the petitions on a warrant for consideration by Tremont voters."

Motion made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, to do nothing with the two petitions. Motion passed by a show of hands 5-0.

J. AGENDA ITEM 7. H. DISCUSSION OF LOADER/BACKHOE RENTAL

Motion made by Selectman Scott Grierson, with second by Selectman Charlie Dillon, to leave the decision which loader/backhoe to Millard Billings, but not the exceed \$2,250.00 per month. Motion passed by a show of hands 5-0.

K. AGENDA ITEM 7. I. REQUEST FOR QUITCLAIM DEED

Motion made by Selectman Scott Grierson, with second by Selectman Kathi Thurston, grant a Municipal Quitclaim Deed to Steve Harper as pertaining to some Lien Discharges at the request of Nat Fenton. Motion passed by a show of hands 4-0-1. Chairman Steve Harper abstained for personal reasons.

8. OLD BUSINESS

None

9. TOWN MANAGERS REPORT

1. Report of meeting with Jerry Waldo of DOT

Town Manager Millard Billings told the Selectmen about his meeting with Jerry Waldo and Janis Piper of the DOT. Mr. Billings said, "They explained the Major and Minor Collectors and how that works."

Mr. Billings asked the Selectmen to sign a new appointment paper for Alden Gray. The old one they signed had the wrong dates on it.

2. MMA Volunteer Insurance for non-paid Board & Committee members and other volunteers.

Town Manager Millard Billings explained to the Board he has received an application from MMA for Volunteer Insurance. The Board authorized Mr. Billings to investigate.

3. Report from OSHA inspection.

Town Manager Millard Billings said, "On May 17th OSHA was here. The Wharf passed and the office passed without any problem. Public Works had a couple situations – two citations at \$550. each (see attached). . . Then the Fire Department got six fines at \$550. each. . . I wrote a letter to OSHA and requested to appeal these violations." Selectman Heath Higgins asked, "Will the Bureau of Labor Standards come down and assist with plans and programs for training?" Town Manager Millard Billings responded, "I'm not sure about Public Works but I think there is some sort of thing like that available for the Fire Department." Selectman Scott Grierson asked, "Who pays this bill?" "The Fire Department" responded Town Manager Billings.

4. League of Towns is investigating a Human Resource Person.

Town Manager Billings explained the League of Towns is investigating a Human Resource Person. "The League of Towns is looking at either the League hiring the person and then contracting out to individual towns or Bar Harbor or Mt. Desert hiring the person and contracting out to individual towns."

5. League of Towns requests for bids for fuel: number 2 heating, diesel, gasoline and LP gas.

Town Manager Billings said, "The League is looking into request for bids to buy #2 heating, diesel, gasoline and LP gas for members of the League." Selectman Scott Grierson asked, "Did you grant a new contract in the last couple months?" Town Manager Billings replied, "No. Usually it's done in late summer or early fall." Selectman Kathi Thurston asked, "Is it worth putting it out to bid again?" Town Manager Billings replied, "I think that's what this is looking at."

6. Cost of Plaque for Al Price, Harbor Committee Chairman Stuart Murphy has received a quote from Dunn's in Ellsworth for a bronze plaque 6 inches by 14 inches at \$282.00. Harbor Committee requests up to \$500.00 from Harbor funds for purchase and setting of plaque.

Motion made by Selectman Charlie Dillon, with second by Selectman Kathi Thurston, to grant the Harbor Committee's request for \$500.00 for the plaque for Al Price out of Harbor Funds. Motion passed by a show of hands 5-0.

7. Harbor Committee requested a letter to Haywood May concerning missing last four meetings.

Town Manager Millard Billings explained the Harbor Committee asked him to send a letter to Mr. May concerning his attendance at Harbor Committee Meetings, which Mr. Billings did.

8. Other

Town Manager Millard Billings said, "On Friday I received a package from Time Warner requesting that the Selectmen sign a contract with them authorizing or approving their take over of Adelpia. Today I got a letter from the Manager of the City of Auburn, Patricia Finnigan. They would like to set up a consortium to look into this and see if they can't get better rates, and more town facilities provided. Right now all the towns have to pay for cable access, because it was never thought of when they negotiated the original Adelpia contract for cable TV. . . Several other towns are interested in forming a consortium . . . to renegotiate the contract."

Town Manager Millard Billings also said, "On Friday I received a call from John Ford, in Senator Collins office, they have approved \$95,000.00 for the 2006 budget for our plans and specifications phase of the dredging project. He said not to go spend the money yet, because there are still a couple of hoops they had to go through."

10. SUGGESTIONS/COMMENTS FOR NEXT MEETING

Selectman Kathi Thurston said, "I'd like to look into some sort of a news letter - to go out semi-annually or quarterly." Selectman Heath Higgins agreed that would be a good idea. Chairman Steve Harper and Selectman Charlie Dillon agreed, "Keeping the community abreast of what we're doing." Selectman Scott Grierson said, "I think the Town Meeting serves that purpose in May, so maybe if you just had two other, like something in September, something mid-winter." Town Manager Millard Billings asked, "Who is going to do the letter? Are the Selectmen going to do it?" Selectman Thurston replied, "I don't know, we need to discuss it."

Selectman Charlie Dillon asked, "Who will be responsible for moving the moorings and debris in the Harbor [during the dredging project], is that the Harbor Committee's job? Or is that the Selectmen's job?" Town Manager Millard Billings suggested assigning it to the CIP Committee.

11. OTHER

Selectman Scott Grierson said, "I just want to bring up my annual complaint about the debris at the Town Garage site. All the fallen down trees and wind-blown things. There's a tree across the driveway there on the side up by Big Al's. There's a lot of

interesting looking yards in that area, but the Town's got one of them and I just think, since it's the Town's property, with all the wind-blown trees everything from having that area open – if that was my land I'd go in with a chain saw and just clean up some of that dead stuff. . . Every time I go to Big Al's I think 'What a mess over there'." Town Manager Billings suggested trading in the bush hog for an adjustable scraper blade.

Motion made by Selectman Heath Higgins, with second by Selectman Charlie Dillon, to give the Town Manager the authority to get the equipment we need, swap or trade the [bush hog] into something we can use. Motion passed by a show of hands 5-0.

12. SET DATE FOR NEXT MEETING

July 11, 2005

13. ADJOURN

Motion made by Selectman Charlie Dillon, with second by Selectman Heath Higgins, to adjourn. Motion passed by a show of hands 5-0. The meeting was adjourned at 9:02 pm.

Respectfully Submitted,
Debbi Nickerson

Kathi Thurston

Steve Harper

Scott Grierson

Charlie Dillon

Heath Higgins